

REMARKS/ARGUMENTS

In the Final Office Action, the Examiner has rejected claims 1-4, 7-13, 15 and 17-26 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,448,585 (Wells et al.) in view of U.S. Patent No. 6,732,195 (*Baldwin*). Claims 5 and 6 have been rejected over Wells et al., Baldwin, and further in view of U.S. Patent No. 4,856,787 (*Itkis*). Claims 14 and 16 have been rejected over Wells et al., Baldwin, and further in view of U.S. Patent No. 6,379,248 (*Jorasch et al.*). The Examiner's rejection of claims under 35 U.S.C. 103(a) is fully traversed below.

Claim 1 has been amended to incorporate claim 18. Claim 18 has been canceled. In addition, claim 1 has been amended to recite the displaying of the predicted performance for a new game (claim 24).

Initially, it is respectfully submitted that the Examiner has not addressed the claimed feature of: a transponder operable to make a prediction regarding the performance of a new game to replace a current game of a gaming machine. In addition, the Examiner has not addressed: "displaying a predicted performance of the new game on the selected gaming machine on the display screen of the hand-held computing device". Moreover, it is respectfully submitted that the cited art does not teach or suggest these features.

Furthermore, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness because the mere assertion that an alleged combination results or can be made "in order to reduce the effort and time required in manipulation of gaming machine software and gaming machine maintenance and in turn decrease the down time of gaming machine leading to increase profit" does not provide a motivation or suggestion for combining the references in the first place. Clearly, the mere assertion that the references can be combined or modified, or the claimed invention is within the capabilities of one skilled in the art is not enough to establish a prima facie case of obviousness (MPEP 2143.01).

Still further, the Applicant respectfully reiterates the arguments previously submitted to the Examiner and respectfully submits that the claimed invention is patentable over the cited art.

Based on the foregoing, it is submitted that the claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P145). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER LLP

/RMahboubian/
Ramin Mahboubian
Reg. No. 44,890

P.O. Box 70250
Oakland, CA 94612-0250
(408) 255-8001